



Sen. Kwame Raoul

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09800SB1334sam001

LRB098 10177 MRW 42723 a

1 AMENDMENT TO SENATE BILL 1334

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1334 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Criminal Procedure of 1963 is  
5 amended by changing Section 115-21 as follows:

6 (725 ILCS 5/115-21)

7 Sec. 115-21. Informant testimony.

8 (a) For the purposes of this Section, "informant" means  
9 someone who is purporting to testify about admissions made to  
10 him or her by the accused while incarcerated in a penal  
11 institution contemporaneously.

12 (b) This Section applies to any felony offense ~~capital case~~  
13 in which the prosecution attempts to introduce evidence of  
14 incriminating statements made by the accused to or overheard by  
15 an informant.

16 (c) In any case under this Section, the prosecution shall

1 timely disclose in discovery:

2 (1) the complete criminal history of the informant;

3 (2) any deal, promise, inducement, or benefit that the  
4 offering party has made or will make in the future to the  
5 informant;

6 (3) the statements made by the accused;

7 (4) the time and place of the statements, the time and  
8 place of their disclosure to law enforcement officials, and  
9 the names of all persons who were present when the  
10 statements were made;

11 (5) whether at any time the informant recanted that  
12 testimony or statement and, if so, the time and place of  
13 the recantation, the nature of the recantation, and the  
14 names of the persons who were present at the recantation;

15 (6) other cases in which the informant testified,  
16 provided that the existence of this ~~such~~ testimony can be  
17 ascertained through reasonable inquiry and whether the  
18 informant received any promise, inducement, or benefit in  
19 exchange for or subsequent to that testimony or statement;  
20 and

21 (7) any other information relevant to the informant's  
22 credibility.

23 (d) In any case under this Section, the prosecution must  
24 timely disclose its intent to introduce the testimony of an  
25 informant. The court shall conduct a hearing to determine  
26 whether the testimony of the informant is reliable, unless the

1 defendant waives the ~~such a~~ hearing. If the prosecution fails  
2 to show by a preponderance of the evidence that the informant's  
3 testimony is reliable, the court shall not allow the testimony  
4 to be heard at trial. At this hearing, the court shall consider  
5 the factors enumerated in subsection (c) as well as any other  
6 factors relating to reliability.

7 (e) A hearing required under subsection (d) does not apply  
8 to statements covered under subsection (b) that are lawfully  
9 recorded.

10 (f) (Blank). ~~This Section applies to all death penalty~~  
11 ~~prosecutions initiated on or after the effective date of this~~  
12 ~~amendatory Act of the 93rd General Assembly.~~

13 (g) This Section applies to all felony prosecutions  
14 initiated on or after the effective date of this amendatory Act  
15 of the 98th General Assembly.

16 (Source: P.A. 93-605, eff. 11-19-03.)".